take a constructive approach toward race relations as a means of improving our foreign relations. They are using our foreign relations as a weapon to bring about racial integration in this country.

As the late Herbert Ravenel Sass recently pointed out in the Atlantic Monthly:

> We have permitted the subject of race relations in the United States to be used not as it should be used, as a weapon for America, but as a weapon for the narrow designs of the new aggressive Negro leadership in the United States. It cannot be so used without damage to this country, and that damage is beyond computation. Instead of winning for America the plaudits and trust of the colored peoples of Asia and Africa in recognition of what we have done for our colored people, our pro-Negro propagandists have seen to it that the United States appears as an international Simon Legree—or rather a Dr. Jekyll and Mr. Hyde with the South in the villainous role.

In effect, these integration zealots are blackmailing the United States. They warn that our foreign relations will suffer if there is any resistance to their program of forced integration. Then they make quite certain that this will be the result, by giving the greatest possible and most highly distorted news coverage to any incidents that might occur, and by directing a constant barrage of antisouthern propaganda to overseas countries.

Instead of playing up the benefits enjoyed by the Negro race in the United States—far greater than those enjoyed by Negroes in any African country—the antisouthern propagandists have ground out horror stories to fan the flames of the integration crusade.

While this crude attempt to use the threat of bad foreign relations as a club to force the South to integrate has failed in its primary purpose, it has caused grave damage to United States relations with certain foreign countries.

There is mounting evidence that the racial issues stirred up for domestic political purposes are being turned against American interests abroad. The antisouthern propaganda, which has been circulated abroad by South-hating American politicians, has turned out to be anti-American propaganda as well. Reporting on this situation, an American correspondent in France recently commented as follows:

> At the moment when violent trouble broke out at Little Rock, the propaganda circulated by services under the control of the administration but paid for by American taxpayers, was bitterly and aggressively partial. Such considerations as American national interests and the influence of the United States in Western Europe were ruthlessly swept aside for the sake of proclaiming to the world the purity and righteousness of the administration. This policy did lasting harm to America as a whole.
>
> Here, the detestable anti-American agitation disseminated from America itself has continued to poison public opinion.
>
> There is much talk today among Americans themselves about the wave of hatred against them being propagated notably in France. How many stop to reflect upon the responsibility of the original Little Rock propagandists?

I might mention, Mr. President, that I was in Europe myself at the time of the Little Rock incident, and I was very much disturbed at the slant which was taken by the American newspapers on sale there, in their headlines and news stories as well as in their editorials. I was also very much upset at the tack which the United States Information Agency took in regard to this matter.

Now that we have placed the blame for the deterioration of America's foreign relations where it belongs, on the integration propagandists; now that we have exposed the fallacy of Senator Lehman's main underlying implication that it is the South's policy of racial separation which is responsible for anti-American feelings abroad, I should like to address myself to a more specific implication in the former Senator's remarks.

He speaks of this battle of Asia, Africa, and Latin America as being lost in Little Rock, Charleston, and Richmond. Admittedly, Charleston and Richmond are two of the most notable cities on this continent, and two of the most significant cities in all the annals of American history. But I should like to know just what it is that has occurred in Charleston, or in Richmond, in recent years, that the distinguished former Senator thinks has caused the attention of the colored peoples of Asia and Africa to be riveted on those two cities? By classifying them together with Little Rock, is he implying that Charleston and Richmond are focal centers of interracial violence?

True, there was interracial violence at Little Rock, though the major violence that occurred there was committed by United States Army soldiers against white southerners and by the President of the United States against a sovereign State and against the Constitution.

But what interracial violence has occurred in Charleston? If there has been any, during this century at least, I should like to hear of it. And when has there been any interracial violence in Richmond? I have not heard of any. It must exist only in the imagination of the distinguished former Senator. Perhaps he has been having nightmares about the wave of racial violence which is occurring in his own backyard and has, in his dreams, wishfully transported the locale of these disorders southward.

Certainly the depicting of the South, instead of the North, as the home of racial violence, bears no relation to reality. A distinguished Richmond editor has recently speculated, and I think correctly, that "there are more incidents of interracial violence on any Saturday night in Brooklyn than the whole of Virginia would experience in a year."

Yes, indeed, Mr. President, if former Senator Lehman is truly concerned over the effect that race tension and race violence in this country may have on our relations with foreign nations, he would do well to stop searching for interracial disorders in peaceful southern cities, such as Richmond and Charleston, and turn his attention instead to the violence-ridden cities of his own State, which has one of the worst records in race relations of any State in the Union.

We all remember the horrible race riot of 2 years ago that broke out on a lake steamer out of Buffalo. And we have before us now the sordid spectacle that is going on in former Senator Lehman's own New York City, especially in Brooklyn: The bloody interracial warfare engaged in by roving gangs of delinquents of different races; the interracial stabbings that occur almost daily; the interracial rapes; the total breakdown of discipline in the integrated school system; the assigning of policemen to patrol the schools to protect the pupils and teachers; and the necessity of setting up special schools to handle the more outrageous and more consistent perpetrators of interracial violence.

No, Mr. President, it is not in the peaceful and racially separate schools of Richmond and Charleston that students stab one another in the corridors, that teachers are assaulted by students, that 13-year-old girls are raped under the basement stairs by pupils. It is in the integrated school system of New York City that these things occur.

Mr. President, I know that former Senator Lehman was sincere when he made his remarks about these southern cities. I know that he is genuinely concerned about the effects of events in these cities on our foreign relations. I know, in short, that his crocodile tears are real. I am sure, then, that it will bring a flush of shame to his cheeks and a pang of regret to his heart when he stops to realize that, instead of criticizing the South for political purposes, he could have addressed his great talents to the fearful situation which exists in the crime-ridden integrated schools of New York, a situation which brings glee to our enemies and disgust to our friends abroad.

THE SUPREME COURT—ADDRESS BY R. CARTER PITTMAN

Mr. JENNER. Mr. President, on Wednesday evening, May 21, 1958, the Demosthenian Literary Society of the University of Georgia had the privilege, at its annual banquet, of listening to an extremely able address by Mr. R. Carter Pittman, of Dalton, Ga., one of the outstanding constitutional lawyers of this country.

Mr. Pittman's address dealt with a number of recent decisions of the Supreme Court of the United States and their effect. What he said was extremely pertinent to one of the questions pending before this body, the bill S. 2646, reported favorably by the Committee on the Judiciary on May 15, 1958, and now pending on the Senate Calendar.

Because of its pertinency, Mr. President, I believe many of my colleagues will wish to read the text of Mr. Pittman's address; accordingly, I ask unanimous consent that the full text of this address may be printed in the body of the RECORD at this point as a part of my remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE SUPREME COURT MUST BE PURGED

The place of the judiciary in government is a subject of extraordinary interest at this time. It commands thoughtful and imme-

diate consideration by all people who love freedom and want to keep it.

The framers of the Federal Constitution drew heavily on American, English, and world history when they came to frame the judiciary provisions of the Constitution in 1787. Article III of the Federal Constitution vests all of the judicial power of the United States in courts whose judges must be emancipated from the fear of loss of tenure or pay except for misbehavior, in the hope that such judges, amenable to none except to the people by impeachment, would obey their oaths to support a Constitution which assures their tenure and pay, and thus preserve for all time that freedom for all which is protected by the document that protects their tenure and purses.

In one of his orations Cicero said:

"To be ignorant of what happened before you were born is to be ever a child."

Samuel Gardner, historian of the Puritan Revolution, put it this way:

"A nation which easily casts itself loose from the traditions of the past loses steadiness of purpose, and ultimately wearied by excitement, falls into the arms of despotism."

In his Spirit of Laws Montesquieu said:

"The deterioration of a government begins with the decay of the principles on which it was founded."

A patriotic, learned, upright and God-fearing judiciary, emancipated from control, except by the people, is the pride of creation and the finest flower of history. A judiciary composed of servile, incompetent, and godless judges has always been the foul and effective tool of tyrants. The history books describe no characters of more infamy than the Jeffries and the Scroogs.

After James I, founded of the dynasty of infamous English tyrants known as the Stuart Kings, came to the throne in 1603, he made this significant statement:

"While I have the power of making judges and bishops, I will make that to be law and gospel which best pleases me."

The robes of the judiciary have, in all ages, lent an aura of respectability to the endeavors of designing men to assume and to exercise arbitrary power over the lives, liberties and properties of people. As Lord Camden said in the case of *Hindson* v. *Kersey* in 1780: "The discretion of a judge is the law of tyrants."

In 1942, Hitler said:

"Judges who do not recognize the needs of the hour will be removed from office."

So they were—and replaced by corrupt and servile tools of his tyranny.

In 1948, Vishinsky said:

"Law is an instrument of politics * * *. There are libraries full of books trying to prove the contrary, but it is known to be a legal fiction."

Indeed the contrary is a "legal fiction" in Russia.

In an address by E. Blythe Stason, dean of the University of Michigan Law School, before the Chicago Bar Association, published in the February 1958 issue of the Journal of the American Judicature Society, he emphasized that in Russia courts and judges are mere agencies of administration. He quoted from a leading textbook on the Soviet judiciary: "The judge of the Soviet courts * * * carry out unswervingly the policy of a totalitarian dictatorship as expressed in the statutes of the Soviet state."

Dean Stason continued:

"Legal training is not necessary to attain a position on the bench in the U. S. S. R. Indeed, the level of even the general education of the Soviet judge is rather low. As late as 1947, a report from a convention of Soviet jurists stated that only 14.6 percent of the judges have legal education on the university level, and only 21.8 percent have received legal training in secondary schools. Thus, it would appear that about 64 percent of Soviet judges * * * lack any legal training whatsoever."

The dean stated further:

"The ministers of justice and the heads of the regional bureaus of justice are * * * authorized to impose disciplinary penalties upon judges for violation of 'labor discipline,' or to recommend the dismissal of judges to the local Soviets. Under such conditions the judge becomes more or less a pawn in the hands of a political administration. The desire for a bench made up of persons of independence and ability seems not to have penetrated the steppes of the Union of Soviet Socialist Republics."

Communism may be safely and easily instituted where a congenial judicial climate exists. Communism cannot be instituted nor can it live in any country where all laws are made with the consent of the people, by representatives who may be defeated at the next election, and where learned, godly, and honorable judges, independent of all except the people, interpret the law.

The people consent to laws in two ways only: Either laws grow out of the immemorial customs of the people or they are made by the people themselves through representatives elected to assemblies for that purpose. James I and every other despotic English king, as well as Hitler, Mussolini, Stalin—and Roosevelt and Eisenhower, too—learned from history that government according to the will of rulers cannot be instituted or maintained where judges are selected by reason of their virtue and learning in law, in the science of government, in history, and in the fundamental principles of freedom and where they are emancipated from all controls except control by the people.

The indexes to legal periodicals in America have carried my name frequently during the last 10 years in connection with articles based on original research, in defense of the Federal judiciary and its constitutional powers. The subject has engaged my interest deeply because the judiciary is the key to liberty under law as it is the key to despotism. Hence what is here said is not said lightly.

The condition of the Federal judiciary in America is fast approaching that which exists in Russia. For example, who can explain with reason the appointment of Earl Warren as Chief Justice? President Eisenhower is said to have tried and failed. What was there in the background, legal training, or character of Warren to cause President Eisenhower to pass over every good lawyer and every good judge in America to elevate him above all of them to the highest judicial position in the world?

In all literature no clearer description of Earl Warren may be found than that spoken of a bureaucrat on the floor of the United States Senate in 1825 by John Randolph, of Roanoke:

"His mind is like the Susquehanna flats—naturally poor and made less fertile by cultivation. Never has ability so far below mediocrity been so richly rewarded since Caligula's horse was made consul."

The legal experience of Earl Warren, with that of two other members of the Supreme Court, does not add up to enough to make one of the three eligible to become a superior court judge under the constitutions of many American States.

In volume 1, page 49, of his history, Tacitus seemed to describe such a ruler as would innocently name such a man to such a post:

"He seemed greater than a private citizen while he was one, and by the consent of all would have been considered capable of government, if he had not governed."

In recent hearings before the Internal Security Subcommittee of the Judiciary Committee of the United States Senate it was brought out that all except two of the present Supreme Court judges have habitually and consistently held against actions of lower tribunals calculated to preserve our internal security as a nation and our safety as a people. Seven of the nine have consistently and habitually voted in favor of Communists and Communist causes. Part II of the hearings on Senate bill 2646 lists numerous cases in which the issue was clear cut between that which was American and anticommunistic and that which was un-American and communistic. It carries a tabulation of the votes of the present judges in 10 cases. To those cases 10 additional have been added, making 20 for a new tabulation. All of those 20 cases appear in bound volumes 76 and 77 of the Supreme Court Reporter, and the unbound advance sheets, later to be volume 78. The oldest of the 20 cases considered is not more than 2 years. Here is the rollcall of judges in the 20 recent cases involving Communists and the internal security of our country.

	For Communists and against America	For America and against Communists
Warren	20	0
Black	20	0
Douglas	20	0
Brennan	15	0
Frankfurter	19	1
Harlan	18	2
Whittaker	9	1
Burton	9	7
Clark	4	15

We describe these 20 cases briefly.

(1) In the *Nelson* case (decided April 2, 1956) the Court held that the American States, which created the Federal Government and whose republican forms of government are guaranteed by the Federal Constitution, may no longer exercise the right of self-defense against communistic traitors seeking to undermine and destroy our free State governments. The Benedict Arnolds, Alger Hisses, and American Quislings are now the wards of Warren and his Court.

(2) In the *Slochower* case (decided April 9, 1956) States and municipalities were denied the power to discharge communistic teachers who refused to admit or deny their disloyalty. Those who shape the minds of our children may not be discharged for silence in a matter or charge involving simple integrity and as to which any honorable man would welcome a chance to speak.

(3) In the *Communist Party* case (decided April 30, 1956) the Court held that a finding by the Subversive Activities Control Board, affirmed by the Circuit Court of Appeals for the District of Columbia, to the effect that the Communist Party of the United States was a "Communist-action organization" within the meaning of the Federal law, was a finding based on "tainted evidence" where it appeared that one or more of the witnesses might possibly have sworn falsely, even though there was ample evidence independent of such witness or witnesses to demand the conclusion. With becoming modesty, the Court said:

"Fastidious regard for the honor of the administration of justice requires the Court to make certain that the doing of justice [to Communists] be made so manifest that only irrational or perverse claims of its disregard can be asserted."

(4) In the Cole case (decided June 11, 1956) the Court denied to the Federal Government the power to discharge self-confessed Communist employees unless they hold "sensitive positions"—a phrase no one can define.

(5) In the Ben Gold case (decided January 28, 1957) the Court reversed the conviction of a Communist perjurer who had falsely denied under oath that he was a member or supporter of the Communist Party, because the FBI had made inquiries

of some of the individuals who were jurors in that case as to their qualifications to try an entirely different and unrelated case involving another Communist.

(6) In the Witkovich case (decided April 29, 1957) the Court denied to the Federal Government the right to question an alien, ordered to be deported, as to whether or not he had attended Communist meetings while awaiting deportation.

(7) In the Konigsberg case (decided May 6, 1957) the Court held that a State may not deny a license to an applicant to practice law who refuses to deny membership in the Communist Party.

(8) In the Schware case (decided May 6, 1957) the Court held that a State may not raise or enforce effective barriers to deny to Communists admission to the practice of law in the courts of the States, and that to be a Communist is not a stigma.

(9) In the Antonia Senter case (decided May 20, 1957) the Court enlarged its holding in the Witkovich case and rendered ineffective the laws carefully drafted by Congress to protect our country from alien subversives. The Court ruled that the Attorney General had no authority to require an alien, who slipped into this country without right and who was awaiting deportation, to desist from further Communist activities.

(10) In the Jencks case (decided June 3, 1957) the Court held that the Federal Government may not withhold from Communists, on trial for their treasonable perfidy, secret information gathered by investigators for the Government, so that American patriots are effectively prevented now from going to the aid of their country and informing against traitors, for fear of retaliation by Communist conspirators.

(11) In the Yates case (decided June 17, 1957) commonly known as the 14 California Communists case, the Court held that the teaching and advocacy of the violent overthrow of the Government of the United States, even with evil intent was not punishable under the Smith Act if it was divorced from any effort to instigate action to that end. In other words, Communist traitors were rendered immune from Federal prosecution unless such traitors are caught in the act such as lighting a fuse. Under that decision Benedict Arnold would have gone free during the American Revolution because the only evidence against him was just a plan divorced from any effort, found in the boot of André, a British captain. If Alger Hiss were to be tried again, presumably the stolen secrets in pumpkins would not count. Under that decision, thrusting a dagger into the back of one's country doesn't count unless it goes through the heart.

(12) In the Service case (decided June 17, 1957) the Court denied to the Secretary of State the absolute discretion given to him by law to fire any employee in the interest of the United States. Sexual queers and Communist traitors may now work like maggots among the secrets in our State Department without fear of losing their jobs. In that particular case the FBI had a recording of a secret conversation between Service and the editor of a communistic magazine, made in the latter's hotel room. The defendant may yet be heard from that recording whispering about certain military plans of which he knew and which were "very secret."

(13) In the Watkins case (decided June 17, 1957) the Court held that the Un-American Activities Committee of the House of Representatives was powerless to pursue simple inquiries that have been found essential to the existence of every free government in the history of the world. There the Court held that a witness who admitted "I frankly cooperated with the Communist Party" should not be required to name his associates. Six members of the Court confessed their inability to distinguish between that which is American and that which is un-American and ridiculed the idea that communism may be un-American. The Court violated or disregarded two plain and unambiguous provisions of the Constitution in its zeal to curb the constitutional powers of the House of Representatives.

(14) In the Sweezy case (decided June 17, 1957) the Court denied to the State of New Hampshire the right to question one of its university professors as to his advocacy of Marxism or his belief in communism, although the Constitution clearly leaves such matters exclusively to the States.

(15) In the Raley, Stern and Brown case (decided June 24, 1957) the Court denied to the State of Ohio the right and power to require one of its citizens to answer questions about Communist activities, asked of him by the Ohio Un-American Activities Commission, as authorized by the valid laws of Ohio and as to which the Supreme Court had no concern or jurisdiction.

(16) In the Flaxer case (decided June 24, 1957) the Court set aside the contempt conviction of a Communist who refused to produce records of his Communist activities, subpenaed by the Internal Security Subcommittee of the United States Senate, even though the Constitution plainly says that each House of Congress shall make its own rules and in spite of the fact the fifth amendment, by its words and history, has no application to any proceeding except in a criminal case in a judicial proceeding.

(17) In the Sacher case (decided June 24, 1957) the Court reversed the contempt conviction of an attorney at law who refused to tell the Senate Internal Security Subcommittee whether he was, or ever had been, a Communist. There again the Court usurped rulemaking power from the Senate and violated the Constitution.

(18) In the Rowoldt case (decided December 9, 1957) the Court canceled the deportation order of an alien Communist who entered the United States in 1914 and who admitted that he had been a member of the Communist Party and a worker in Communist causes such as a salesman of Communist literature during many of those years. The Court held that before an act of Congress designed to protect this country against Communist subversives could be applied against such an alien, it must be made to appear affirmatively that activity in the Communist Party was a meaningful association with political implications and that the alien committed himself to the Communist Party in consciousness that he was joining an organization * * * which operates as a distinct and active political organization. Who ever heard of such a rule as that? Who ever heard of anyone so ignorant as not to know the answer to such a fool question, without any proof whatever?

(19) In the Heikkinen case (decided January 6, 1958) the Supreme Court reviewed and reversed the conviction of an alien who was conclusively shown to have been a member of the Communist Party from 1923 to 1930, 1932, 1947, and 1948, and who had gone to a Communist school in Russia between 1932 and 1935 to learn the newest techniques for destroying free government in America. This Communist traitor was convicted in a Federal District Court of Wisconsin and his conviction was upheld by the Seventh Circuit Court of Appeals under the Immigration Act of 1917 which made it unlawful for an alien to willfully fail or refuse to leave the United States within 6 months on order of deportation, or to willfully fail or refuse to make application for travel or other documents necessary for departure, or who seeks to hamper his own deportation, or who willfully fails or refuses to present himself for deportation at a time when ordered to do so. The reason given by the Court for keeping that man in America was that the Government did not show the willingness of any country to receive him. Under that ruling Communists may not be deported to Russia if Russia will not receive them. Even a sociological judge should know that Russia will never accept one of its deported agents so long as that agent has a license from the Supreme Court of the United States, such as was given in the Witkovich case and the Senter case, to roam at large and ply his treasonable trade in the country it seeks to destroy.

(20) In the Harmon and Abramowitz cases (decided as companion cases on March 3, 1958) the Court required Wilber Brucker, Secretary of the Army, to cancel what is known as a general discharge under honorable conditions, for Harmon and Abramowitz and give to them an unqualified honorable discharge, which is the kind received by every honorable soldier that has ever tendered his life or spilled his blood at the altar of American freedom. The reason Harmon and Abramowitz were given qualified discharges was because of Communist activities on their part. Those traitorous soldiers did not contest the ruling that their retention in the Army was inconsistent with national security. What they contended and what the Supreme Court held was that to be and to play the part of a Communist traitor in the United States Army is Honorable—with a capital "H."

Eighteen of the cases listed above were cases in which the Supreme Court reversed the rulings of lower Federal courts or the highest courts of sovereign States. Only two were cases in which lower courts were affirmed and in each of those cases the lower courts would certainly have held otherwise, except for previous decisions of the Supreme Court which were thought to be controlling.

No fair person can read those 20 cases without suspecting that there are at least 5 members of the Court who have a fellow feeling for Communists. What else can explain why they exhibit evidence of personal insult and wounded feelings when a Communist is assailed? Why they should be so solicitous about the welfare and safety of Communists is a question for determination by those in the Congress who have the duty and power to investigate.

On February 22, 1957, the General Assembly of Georgia adopted a resolution requesting that impeachment proceedings be instituted against 6 members of the Supreme Court by reason of high crimes, misdemeanors, and misconduct, as set forth in that resolution. There was a hue and cry by some who never read the resolution. Fellow travelers and the ill-informed tried to laugh it off—and everyone was ill-informed who depended on the newspapers for information.

The Georgia impeachment resolution cited and analyzed 18 cases in which it was alleged that 6 members of the Court had been guilty of such high crimes and misdemeanors as to demand impeachment. Only 2 of those 18 cases are listed above. They are the Nelson case and the Slochower case. A new resolution should list at least 40 recent cases involving Communists that convict certain Supreme Court Judges of such misdemeanors as demands their removal from the bench, in the interest of the internal security of the United States, if for no other.

After referring to some of the cases analyzed above, one of the witnesses before the Internal Security Subcommittee of the Senate, a few weeks ago, an outstanding student of the Constitution and lawyer of Pennsylvania, said:

"Can the logical and orderly sequence of these cases be but an accident? There are not a few * * * who suspect one member of the United States Supreme Court as being under Communist discipline, and another as being subject to their blackmail, and another as knowingly following their desires out of political ambitions and another as being sympathetic with communism because of his associations with so many of them as personal friends, and including members of his family, and a fifth as being motivated by a resentment of a religious nature."

The late H. L. Mencken pointed in the same direction in his secret notebook, published recently under the title, "Minority Report." On page 172, he said:

"Probably the worst thing that has happened in America in my time is the decay of confidence in the courts. No one can be sure any more that in a given case they will uphold the plainest mandate of the Constitution. On the contrary, everyone begins to be more or less convinced in advance that they won't. Judges are chosen not because they know the Constitution and are in favor of it, but precisely because they appear to be against it."

If it had not been made to appear that some of the men named to the Court were violently against the Constitution, as Mencken said, it is unlikely that they would have been appointed. Not one man on the Court had, before his appointment, ever uttered a word or written a sentence that was ever published, so far as we can find, evidencing that he had studied the Constitution, understood it, and was in favor of it.

If there is any man living today who should know something about the Communist conspiracy, that man should be John Edgar Hoover, Director of the Federal Bureau of Investigation. At the national convention of the American Legion in 1957, he alluded to some of the decisions of the Supreme Court which give aid and comfort to the Communist enemy, saying:

"We face a regenerated domestic branch of the international conspiracy, making plans to exploit recent Court decisions and highly optimistic for the future."

Commenting on some of those decisions George Sokolsky, the noted newspaper columnist, and a Russian himself, who learned about communism at its source, said:

"When, in a court, the United States is consistently the loser, the subject requires very profound consideration. Maybe the United States needs an American Supreme Court."

After the decisions of May 17, 1957, which deprived our Government of the essential means for defending itself against traitors, Congressman Howard W. Smith, author of the Smith Act, said:

"I am not surprised. I do not recall any case decided by the present Court that the Communists have lost."

At about the same time the New York Daily News said:

"In decision after decision, the Warren Supreme Court has befriended the Communists and their Kremlin masters, and has weakened the defenses of the American people against this enemy."

Those quotations, with many others of like tenor, may be found on pages 290 and 291 of part II of the published hearings referred to above.

Shortly after the decisions of May 17, 1957, Miss Stephanie Horvath, an undercover detective of the New York City Police Department, testified before the Internal Security Subcommittee of the Senate. Her testimony may be found on page 4571 of part 79 of the subcommittee hearings. She testified that she attended a Communist meeting in New York City, held at Carnegie Hall on July 24, 1957, and that she made stenographic notes of the speeches made there.

She quoted John Gates, editor of the Daily Worker as saying:

"I am proud of the modest but very important part that the Daily Worker played in helping to bring about this victory."

John T. McManus, the brazen editor of the pro-Communist National Guardian and long known for his Communist associations, was heard to say:

"It is, in my opinion, no accident that the Warren Court—and Warren is no accident either—had the courage and determination to right the wrongs of the Vinson Court. * * * I think we must look back also over the behavior of some of the Federal judiciary, and set aside a special niche for Justices Black and Douglas."

When one of the leaders in the movement to substitute a government of flesh for a government of law boasts that "Warren is no accident" and is in their hands, and when Warren acts like he is no accident and is in their hands, it is time for the representatives of the people to start asking a few questions of those who should know the answers. It is time also for the people to replace those Members of the Congress who are afraid to ask questions.

In a series of lectures at Harvard University published only a few weeks ago, Judge Learned Hand, of New York, pointed out many instances in which the present Supreme Court has leaped the bounds of the Constitution to roam at large, tinkering here, experimenting there, and destroying landmarks everywhere. Commenting on the constitutional barriers that the Supreme Court laid waste so ruthlessly in the school cases, Judge Hand thought it "curious" that the Court could not see as big a thing as the 5th section of the 14th amendment which denied to it jurisdiction to decide as it did. He continued:

"I cannot frame any definition that will explain when the Court will assume the role of a third legislative chamber and when it will limit its authority to keeping Congress and the States within their accredited authority. * * * I hope that it may be regarded as permissible for me to say that I have never been able to understand on what basis it does or can rest except as a coup de main."

The Georgia impeachment resolution cites the case of *Bridges* v. *Wixon* (decided on June 18, 1945). There is a strange connection between that case and the School case that was not noticed in the Georgia resolution nor elsewhere.

In the Bridges case the Supreme Court reversed an order requiring the deportation of the alien Harry Bridges, because certain harmless, inconsequential unsworn, hearsay evidence was admitted in the record against Bridges. There the Court held that the use of such harmless, hearsay and nonlegal evidence "runs counter to the notion of fairness on which our legal system is founded."

Thus the Communist Bridges was saved to serve the cause of communism in America because something was allowed to creep into the record against Bridges that had no business there. Bridges was a Communist—mind you.

In *National Council of American-Soviet Friendship, Inc.* v. *McGrath* (decided April 30, 1951) a whole nest of Communists was involved. In that case the Supreme Court held that the use of nonlegal hearsay evidence to blacklist a Communist organization was "abhorrent to free men."

However, in the school cases of May 17, 1954, the Court based its decision entirely and exclusively upon nonlegal hearsay and unsworn evidence—not made a part of the records below but brought into the Supreme Court through a back door—not through the clerk's office—by sociological tramps—and secretly slipped into the record by the Court itself. Thus we have one rule for Communists in America and an entirely different and secretive rule for Americans in America. Communists are now the cherished mentors and privileged pets of some Supreme Court Judges who violate elemental rules of evidence to do for them that which would be "abhorrent to free men" if done against them.

The hearsay brought in by the Court itself in footnote 11 of the Brown School case was "claims of social scientists" as to the dependence of individual Negroes on the position of his racial group in the community. In the Beauharnais case (decided April 28, 1952) where racial questions were involved, Justice Frankfurter, speaking for a majority of six judges, rejected sociology, ecology, and authoropology as unworthy of consideration by upright judges in racial matters, saying:

"Only those lacking responsible humility will have a confident solution for problems as intractable as frictions attributable to differences of race * * *. It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

The lesson and the moral taught by the Supreme Court in these cases is that hearsay in any form may not be used against Communists, or Communist causes, but hearsay compounded with sociology and phychology may be freely used in favor of Communists or Communist causes—such as race-mixing for everyone except themselves.

We are nearing the end of a strange revolution and don't realize it. Successful revolutions do not come suddenly and dramatically. Revolutions are won or lost in the hearts and minds of men, long before they are dramatized on battlefields or consolidated in constitutional conventions. Successful revolutions result from long and careful preparation. Outbreaks of violence are but the outward evidence of change. They are but breakers on the shores of time. The American Revolution began 16 years befor the Declaration of Independence and ended 16 years later when the Bill of Rights was adopted on December 15, 1791. We have lost the revolution. Our Constitution, our country and our freedom are ripe fruit for Communist picking.

It does not require unusual mental astuteness for a hunter to determine the species of an animal by the footprints he makes as he passes. Indians could tell at a glance. They could track white men by the leaves they disturbed long after they passed. To one who knows a smattering of history and has brains enough to reason, that which our Supreme Court has done and is doing is not difficult to understand. Some of those judges think they have found the bag of gold at the end of the rainbow. The gold at the end of their rainbow is in the mines of Siberia, and "Our harps are upon the willows."

Our Constitution contains the seeds of its own destruction. It also contains the seed of its own survival. The Members of the Congress may yet restore constitutional government in America by doing what they said they would do when they swore they would support the Constitution. Some cry "The Court must be curbed." That is not enough. The Court must be purged.

The Potomac in olden days was associated with grand men like George Mason and George Washington. One was the brains and the other the sword of revolution. In October 1792 George Mason was buried at the edge of an old field near Gunston Hall, 13 miles downstream from Mount Vernon. He had penned the most influential constitutional documents ever penned by man. He lived barely long enough to see the Bill of Rights he had written and fought for adopted as the first 10 amendments.

On the following day the 5 sons and 4 daughters gathered in the library at Gunston Hall for the reading of his solemn will. It had been written in 1773, just as the Revolution appeared to be one that would result in the loss of much American blood. One paragraph of that will mirrored the man:

"I recommend it to my sons from my own experience in life, to prefer the happiness of independence and a private station to the troubles and vexation of public business; but, if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interest or ambition induce them to betray, nor the terrors of poverty and disgrace, or the fear of danger or of death, deter them from asserting the liberty of their country

and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

If a majority of our Representatives in Congress would find themselves in Mason's mirror there would be no qualms about curbing the Court now, and purging the Court would follow in due course in accordance with Mason's liberal plan of impeachment for misdemeanors or misconduct which was embodied in section 4 of article II of the Constitution in 1787. Warren Hastings was then being impeached for high crimes and misdemeanors in the British Parliament. The impeachment provision proposed by George Mason in Philadelphia was adopted on September 8, 1787. At that time as now, the word "misdemeanor" meant misbehavior or misconduct. That was first made plain when Madison's Secret Notes were published around 1835. John Marshall and Jefferson, for example, were dead before that secret was revealed.

In the debate on the impeachment clause Mason pointed out the necessity of making impeachment easy in order, as he stated, that "attempts to subvert the Constitution" might be conveniently and adequately dealt with by the people, acting through their Representatives in the Congress. Over violent objection by Madison that Mason's proposal will be equivalent to a tenure during the pleasure of the Senate, the proposal was adopted by a vote of 8 States to 3. The Delegates from Virginia stood with Mason against the so-called Father of the Constitution in 1787. May God give us men with courage to stand with him now to thwart attempts to subvert the Constitution by the guardians of the Constitution.

R. CARTER PITTMAN.

DALTON, GA.

ACTION NEEDED TO STEM THE RECESSION

Mr. SYMINGTON. The economic recession has been under way—all downward—for almost 9 months.

During the past 4 or 5 months of this decline we have been greeted with many optimistic proclamations to the effect that the economy is leveling off; and that we are about to turn the corner.

Mr. President, the hard facts do not support such optimism and do not justify inaction.

Unless we take positive action soon, it is not pleasant to consider what we may find around the corner, if and when we do turn it.

Billions of dollars in production of goods and services have been, and are, continuing to be, lost, as capital and labor remain idle.

Much more than wishful thinking is required to get us back, even to the level of a few months ago.

I was much impressed by the analysis of the economy presented by the senior Senator from Illinois [Mr. DOUGLAS] in the Senate on May 19.

Further, in this connection, I ask unanimous consent to have printed at this point in the RECORD a thought-provoking editorial entitled "Time to Rout the Recession," published in the St. Louis Post-Dispatch of May 18, 1958.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch of May 18, 1958]

TIME TO ROUT THE RECESSION

"Wait and see" has had a fair trial. The time has now come for the administration and Congress to move in massively to halt the recession. Let politics be adjourned. Let Republicans and Democrats unite to put the Nation back on the road to that economic growth which is indispensable to both our domestic welfare and international leadership.

Last week's business barometers established beyond question that the long-hoped-for upturn has not arrived, and that this is the severest of the three postwar recessions. Gross national product in the first quarter was revealed to have fallen farther than at first reported—to an annual rate of 422 billions, or 4 percent off the 1957 peak of 439 billions. This is not a catastrophic decline, but its gravity is illuminated by noting that to achieve the rate of growth which the Rockefeller report found desirable for the full employment of our human and material resources we ought to be producing this year at a rate of 460 billions instead of 422.

Nor does the second quarter show substantial improvement over the first. On the contrary, the Federal Reserve Board index of industrial production for April fell another 2 points to 126—14 percent off the peak, the lowest level since 1954. Steel shipments have recovered little from the first-quarter doldrums which found them 38 percent below last year. As pointed out by the guaranty survey, a most conservative source, capital spending has fallen much more drastically than in 1954 and shows no sign of recovering this year. Businesses are still liquidating inventories, but sales have shrunk even faster, with the result that inventory reduction—which means weak demand from business for new goods—is likely to continue. Unemployment remains about 5 million or 7.5 percent of the labor force, and is widely expected to reach 6 million with the influx of school graduates into the labor market in June.

There are some encouraging indices. Retail sales went up 2 percent in April. Housing starts rose by 6 percent over March. Some improvement in machine tool production is reported. But over-all, the upturn has failed so far to develop. The Guaranty Survey finds "no clear-cut improvement" in those basic business indicators which heralded the upturns of 1949 and 1954, and concludes that "there continue to be several formidable obstacles in the path of early revival." Briefly, the obstacles are that businessmen are spending much less than last year, consumers somewhat less, and Government not enough more to offset the deficit in other areas of demand.

Can we afford to go on waiting and seeing? The Post-Dispatch thinks not.

The case for waiting rests partly on the hope that continued stagnation will force prices and wages down to the point where demand will revive. But the factors working for rigidity in the wage and price structure seem to us formidable. Furthermore, the falling wages that would accompany falling prices represent a contraction of purchasing power which might mean merely continued stagnation at a lower level. In that case the measures needed to induce recovery would become more complex and drastic. Rather than go through a deflation which might or might not be suitably mild, the Nation would be wiser to build recovery on the existing price and wage structure—resolving, at the same time, to do better than it did last time in controlling the next inflation.

Another argument for waiting is that, assuming recovery to be just around the corner, antirecessionary measures taken now would come into full play at a time when they would aggravate inflation. This argument has considerable force, but on balance we think it must be rejected. Nobody can be certain that the assumed recovery is in fact around the corner, which seems to be a moving target. And though all can agree that inflation is a major long-term problem to be dealt with, the immediate problem of first priority is the idle mills, the bulging warehouses, the lagging trade, the shrinking transportation, the 5 million unemployed who are steadily moving nearer the end of their resources.

So it seems to us much preferable to tackle the recession now, with measures strong enough to rout it and yet flexible enough to be withdrawn once recovery is assured.

Action is needed not only for the Nation's domestic welfare, but because at a time of world struggle for leadership we dare not risk a prolonged economic crisis that would dangerously weaken the Free World. Britain and Western Europe are certain to be infected if our recession goes on much longer. Latin America is already feeling it: some of those stones thrown at Vice President NIXON might have been withheld had commodity markets been firmer.

Nowadays, with Russia and China steadily expanding their output, the production and wealth that are lost in a prolonged slump in the United States cannot be safely foregone. Imagine what could be done with the $38 billion of gross national product that measures the deficit between our present rate of output and that which we ought to be maintaining for a healthy rate of growth. Translate $38 billion a year into national defense, into space exploration, into technical assistance and capital expansion for underdeveloped lands, into schools, and hospitals and urban renewal at home, into improved machinery, better jobs, firmer profits, economic strength and confidence. The index of lost production is the real index to watch. The Nation's first responsibility is to bring that indicator down to zero.

For these reasons we believe the time has come for the Federal Government to move powerfully and decisively against the recession. We urge action by Congress and the administration to:

Reduce excise taxes selectively in those industries hardest hit by the recession and most likely to be helped by reductions;

Grant a quick, temporary tax cut for individuals, concentrated in the income brackets where spending would be most affected;

Adopt a selective, temporary form of fast amortization for corporations, designed to induce capital spending in those areas most likely to respond to such incentives;

Speed up Government spending for useful purposes, and adopt a new public works program, such as the Gore bill, for quick-starting, short-term projects like schools and community improvements, the program to be expanded or contracted as needed next fall and winter.

Equally as important as the precise steps to be taken is the attitude in which the problem is approached. Congress and the administration need to join hands to give the people unqualified assurance that the time of waiting is over, that doubts and hesitations are put aside, that no step will be spared to put the unemployed back to work and set the Nation again on the path to healthy economic growth.

That is the primary objective. Unless we attain it, our other great objectives, national and foreign, cannot be approached.

Mr. SYMINGTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JORDAN in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.